

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TRADE PARTNERS GATEWAY  
CENTER, LLC,

Plaintiff,

File No. 1:04-CV-786

v.

HON. ROBERT HOLMES BELL

NEW ERA LIFE INSURANCE  
COMPANY, NEW ERA LIFE  
INSURANCE COMPANY OF  
THE MIDWEST and PHILADELPHIA  
AMERICAN LIFE INSURANCE  
COMPANY,

Defendants.

---

**ORDER APPROVING REPORT AND RECOMMENDATION**

Magistrate Judge Ellen S. Carmody filed a Report and Recommendation ("R&R") on March 9, 2006, (Docket # 20), recommending that Defendants' motion to dismiss adversary complaint (Docket # 6) be granted in part and denied in part for the reasons stated in the R&R in *Quilling v. Trade Partners, Inc.*, No. 1:03-CV-236, filed on March 7, 2006 (Docket # 1239).<sup>1</sup> Defendants have filed objections to the R&R addressing their motion to dismiss

---

<sup>1</sup>Although the R&R references the R&R filed on March 7, 2006 (Docket # 1239), the Court believes the appropriate reference is to the R&R filed on March 6, 2006, (Docket # 1238) which addresses the New Era Defendants' motion to dismiss.

in *Quilling v. Trade Partners, Inc.*, No. 1:03-CV-236, (Docket # 1250), but they have not filed any additional objections in this action.

This Court has approved and adopted the R&R addressing Defendants' motion to dismiss in *Quilling v. Trade Partners, Inc.*, 1:03-CV-236. (Docket #'s 1259 & 1260). The Court accordingly agrees with recommendation that Defendants' motion to dismiss in this case be granted in part and denied in part for the same reasons stated in the March 6, 2006, R&R in Case No. 1:03-CV-236, (Docket # 1238), which is incorporated by reference. Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation dated March 9, 2006, (Docket # 20) is **APPROVED AND ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Defendants' motion to dismiss (Docket # 6) is granted in part and denied in part for the reasons stated in the March 6, 2006, R&R in *Quilling v. Trade Partners, Inc.*, No. 1:03-CV-236 (Docket # 1238), which is incorporated herein by reference.

Date: March 31, 2006

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE